

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

April 29, 2014 at 10:00 a.m.

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INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled "Amended Civil Minute Order."

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.

3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.

4. If no disposition is set forth below, the matter will be heard as scheduled.

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1.	13-31902-D-13	MARIO BLANDINI	MOTION TO MODIFY PLAN
	CJY-1		3-25-14 [14]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

2. 11-32703-D-13 ROSENDO/BARBARA AVILA MOTION TO INCUR DEBT  
JCK-3 3-25-14 [40]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion to incur debt is supported by the record. As such the court will grant the motion to incur debt by minute order. No appearance is necessary.

3. 11-32703-D-13 ROSENDO/BARBARA AVILA MOTION TO MODIFY PLAN  
JCK-4 3-25-14 [45]

4. 11-24507-D-13 TEODORO MAYORQUIN MOTION TO MODIFY PLAN  
MEV-7 3-17-14 [153]

5. 14-20409-D-13 MICHAEL NGUYEN AND LISA MOTION TO VALUE COLLATERAL OF  
JCK-3 LIEN BANK OF AMERICA  
3-20-14 [42]

**Final ruling:**

This is the debtors' second motion to value collateral of Bank of America (the "Bank"). The first motion was denied because service was not made by certified mail, as required by Fed. R. Bankr. P. 7004(h). The court added in its ruling on the first motion that counsel should note for purposes of any future motion that, since the filing of the motion, the Bank had filed a request for special notice in this case.

The present motion will be denied because although service was made by certified mail on the Bank to the attention of an officer, service was not made on the attorneys who filed the request for special notice on behalf of the Bank, as required by Fed. R. Bankr. P. 7004(h), subd. 1. Pursuant to that rule, service shall be made on an FDIC-insured institution by certified mail addressed to an officer, unless the institution has appeared in the action by an attorney, "in which case the attorney shall be served by first-class mail." Here, the attorney who filed the request for special notice was not served at all.

As a result of this service defect, the court will deny the motion by minute order. No appearance is necessary.

6. 14-21110-D-13 DANIEL/BARBARA BOCANEGRA OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
3-28-14 [21]

**Final ruling:**

**Objection withdrawn by moving party. Matter removed from calendar.**

7. 13-35712-D-13 THERESA DURHAM MOTION TO CONFIRM PLAN  
ALB-4 3-11-14 [47]

8. 14-21112-D-13 SALVADOR ROJAS OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
3-28-14 [56]

9. 14-21112-D-13 SALVADOR ROJAS OBJECTION TO CONFIRMATION OF  
SW-1 PLAN BY ALLY FINANCIAL, INC.  
3-5-14 [37]

**Final ruling:**

**This matter has been withdrawn by the moving party pursuant to a stipulation that has been approved by the court. The matter will be removed from calendar.**

10. 14-22312-D-13 MAURICIO CABELLO AND MOTION TO VALUE COLLATERAL OF  
MC-1 ARACELI SANTACRUZ BANK OF AMERICA, N.A.  
3-18-14 [8]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Bank of America, N.A. at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Bank of America, N.A.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

11. 13-36214-D-13 ROLAND/BEVERLY LAMONTAGNE MOTION TO CONFIRM PLAN  
CLH-1 3-12-14 [28]

12. 11-30816-D-13 JOSE/GLORIA HERNANDEZ AMENDED MOTION TO MODIFY PLAN  
JCK-4 3-20-14 [64]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

13. 14-21118-D-13 CATHERINE GRIFFIN OBJECTION TO CONFIRMATION OF  
APN-1 PLAN BY AMERICREDIT FINANCIAL  
SERVICES, INC.  
4-3-14 [26]

14. 14-20726-D-13 DANNY ACAIN  
GMY-2

MOTION TO CONFIRM PLAN  
3-18-14 [34]

**Final ruling:**

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the moving party failed to serve Luisa Acain, listed on the debtor's Schedule H as a co-debtor on all his debts. The debtor was required to list Luisa Acain on his master address list (Fed. R. Bankr. P. 1007(a)(1)), which he did not do, and given the very broad definitions of "creditor" and "claim" under the Bankruptcy Code (§ 101(5) and (10)), Luisa Acain was required to be served with this motion, under Fed. R. Bankr. P. 2002(b). As a result of this service defect, the motion will be denied, and the court need not reach the issues raised by the trustee at this time.

The motion will be denied by minute order. No appearance is necessary.

15. 14-20726-D-13 DANNY ACAIN  
RDG-2

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
3-14-14 [29]

**Final ruling:**

The debtor filed a Spousal Waiver on April 17, 2014, thus mooted the trustee's objection to exemptions. Accordingly, the objection will be overruled by minute order. No appearance is necessary.

16. 14-20926-D-13 LEROY JOHNSON  
PD-1

OBJECTION TO CONFIRMATION OF  
PLAN BY CREDITOR CITIMORTGAGE,  
INC.  
3-31-14 [18]

17. 14-20926-D-13 LEROY JOHNSON  
RDG-1

OBJECTION TO CONFIRMATION OF  
PLAN BY TRUSTEE RUSSELL D.  
GREER  
3-28-14 [15]

18. 10-25027-D-13 PETER/AUGUSTINE MONDOT MOTION TO MODIFY PLAN  
RAC-12 3-20-14 [175]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

19. 13-34729-D-13 MARCO REACHI AND IRMA MOTION TO CONFIRM PLAN  
TOG-2 SANCHEZ 3-11-14 [60]

20. 13-34530-D-13 DANA BUCKINGHAM MOTION TO CONFIRM PLAN  
MOT-1 3-10-14 [50]

21. 13-34530-D-13 DANA BUCKINGHAM OBJECTION TO DEBTOR'S CLAIM OF  
RDG-3 EXEMPTIONS  
3-24-14 [58]

**Final ruling:**

Debtor filed an amended Claim of Exemptions on April 23, 2014. As a result, the objection to claim of exemptions will be overruled as moot. No appearance is necessary.

22. 11-26031-D-13 TIMOTHY/CANDACE RHODES MOTION TO VALUE COLLATERAL OF  
JDP-1 BANK OF AMERICA, N.A.  
3-25-14 [31]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Bank of America, N.A. at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Bank of America, N.A.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

23. 13-29733-D-13 ALAN BERNER MOTION TO CONFIRM PLAN  
CLH-2 3-7-14 [32]

24. 14-21035-D-13 QUANG NGUYEN OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
3-28-14 [34]

25. 14-21036-D-13 MANUEL/IRENE ALVAREZ OBJECTION TO CONFIRMATION OF  
ASW-1 PLAN BY THE BANK OF NEW YORK  
MELLON  
4-2-14 [19]

26. 14-21037-D-13 ROBERT/MIRIAM MCKIM  
RDG-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
3-28-14 [14]

**Final ruling:**

**Objection withdrawn by moving party. Matter removed from calendar.**

27. 14-21937-D-13 GEORGE/KIMBLYN BEGONIA  
BHS-2

MOTION TO VALUE COLLATERAL OF  
WELLS FARGO  
3-17-14 [14]

**Final ruling:**

The debtors have filed three motions to value collateral in this case. The motions are the same except for their docket control numbers and except for one minor change in the third motion, DC No. BSH-3. The motions clearly explain that there are three liens against the debtors' residence - held by Wells Fargo, Geccccc, and Portfolio Recovery, LLC - that are junior to the most senior deed of trust. The motions allege that the amount owed on that senior deed of trust exceeds the value of the property, such that all three junior liens are completely under-collateralized. The problem with this second motion, DC No. BSH-2, is that the prayer is exactly the same as the prayer to the first motion. In both, the debtors request that the claim of Wells Fargo, secured by a second deed of trust, be determined to have a value of \$0, and that any claim filed by Wells Fargo regarding the note secured by the second deed of trust be deemed a general unsecured claim without priority. In other words, the motion is an exact duplicate of the first motion, DC No. BSH-1, whereas the court believes it likely the debtors intended the target of this second motion to be the holder of the third deed of trust, Geccccc. As the prayer to the motion is directed to Wells Fargo's second, and not to Geccccc's third, the motion does not give adequate notice to Geccccc that its lien is the target of the motion. Similarly, the declarations supporting the motions are identical; there is nothing in the declaration supporting this second motion that would alert Geccccc that it is the target of the motion.

As a result of this notice defect, the motion will be denied by minute order. No appearance is necessary.

28. 14-21937-D-13 GEORGE/KIMBLYN BEGONIA  
BSH-1

MOTION TO VALUE COLLATERAL OF  
WELLS FARGO  
3-17-14 [9]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Wells Fargo at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Wells Fargo's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

29. 14-21937-D-13 GEORGE/KIMBLYN BEGONIA  
BSH-3

MOTION TO VALUE COLLATERAL OF  
WELLS FARGO  
3-17-14 [19]

**Final ruling:**

The debtors have filed three motions to value collateral in this case. The motions are the same except for their docket control numbers and except for one minor change in this motion, discussed below. The motions clearly explain that there are three liens against the debtors' residence - held by Wells Fargo, Geccccc, and Portfolio Recovery, LLC - that are junior to the most senior deed of trust. The motions allege that the amount owed on that senior deed of trust exceeds the value of the property, such that all three junior liens are completely under-collateralized. The problem with this third motion, DC No. BSH-3, is that the prayer is almost identical to the prayer to the first motion. In the first, the debtors request that the claim of Wells Fargo, secured by a second deed of trust, be determined to have a value of \$0, and that any claim filed by Wells Fargo regarding the note secured by the second deed of trust be deemed a general unsecured claim without priority. In this third motion, the debtors request that the claim of Portfolio Recovery, LLC, secured by the second deed of trust against the property be valued at \$0, whereas the motion earlier stated that Portfolio Recovery, LLC, holds a judgment lien, not a deed of trust. This third motion adds, in the prayer, "That any claim filed by Wells Fargo regarding the note secured by the second deed of trust shall be deemed a general unsecured claim without priority." In other words, the prayer refers once to Portfolio Recovery, LLC, but in the next sentence, to Wells Fargo, and it refers to the second deed of trust - which is not held by Portfolio Recovery, LLC - twice. Thus, assuming the motion was intended to value the judgment lien held by Portfolio Recovery, LLC, as the court believes, it does not give adequate notice to Portfolio Recovery, LLC, that its lien is the target of the motion. Similarly, the declarations supporting the motions are identical; there is nothing in the declaration supporting this third motion that would alert Portfolio Recovery, LLC, that it is the target of the motion.

As a result of this notice defect, the motion will be denied by minute order. No appearance is necessary.

30. 14-20539-D-13 HERMAN WILLIAMS  
RDG-3

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
3-14-14 [23]

**Final ruling:**

This case was dismissed on March 21, 2014. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

31. 09-31045-D-13 PEARL SAUNDERS  
JDP-1

MOTION TO VALUE COLLATERAL OF  
BANK OF AMERICA, N.A.  
3-19-14 [64]

**Final ruling:**

The matter is resolved without oral argument. This is the debtor's motion to value the secured claim of Bank of America, N.A. at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtor's residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Bank of America, N.A.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

32.	11-23047-D-13 PLG-1	CELIA NARANJO	MOTION TO SELL 3-19-14 [41]
33.	14-21048-D-13 RDG-2	LARRY MENTON	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 3-28-14 [32]
34.	14-21455-D-13 NLG-1	ABRAHAM/SILVIA MAGALLANEZ	OBJECTION TO CONFIRMATION OF PLAN BY SETERUS, INC. 4-3-14 [21]
35.	14-20864-D-13 RDG-1	JOAQUIN/MARTHA RAMON	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 3-28-14 [29]

Final ruling:

3-10-14 [56]

This is the debtors' motion to value collateral of U.S. Bank (the "Bank"); namely, a second position deed of trust against the debtors' residence. The motion will be denied for the following reasons. First, the moving parties failed to serve the Bank through the attorneys who have filed a request for special notice on behalf of the Bank in this case. The Bank is alleged by the debtors to hold both the first and second deeds of trust against the property, and it cannot be determined from the request for special notice whether the attorneys are acting on behalf of the Bank as holder of the first or as holder of the second. Thus, the motion should have been served on the attorneys.

The motion will be denied for the additional independent reason that it is not supported by evidence sufficient to demonstrate that the moving parties are entitled to the relief requested, as required by LBR 9014-1(d)(6). The motion states that there is a deed of trust against the property that is senior to the Bank's deed of trust, and that the senior deed of trust secures a claim in the amount of \$106,000. Thus, if the value of the property is more than \$106,000, the debtors are not entitled to value the Bank's claim under § 506(a) of the Bankruptcy Code. The motion is supported by (1) the declaration of debtor Ernesto Estrada, who states he believes the fair market value of the property as of the date of filing was \$97,000, and (2) an exhibit described by the moving parties in their exhibit cover sheet as an "On-Line home estimated home value." The exhibit purports to be a copy of a page printed out on March 10, 2014 from eppraisal.com. The problem is that it appears to be an incomplete copy of the printout, and that the portion of the printout the debtors or their counsel appears to have "whited out" calls into question the reliability of the eppraisal evidence, and hence, of the debtors' opinion of value.

In a right-hand column on the version of the printout filed as an exhibit, there is a section headed "Valuation Estimates," under which appear the words (in the form of a column): "eppraisal \$84,588 Zillow.com [blank]." In other words, the exhibit gives the eppraisal value, \$84,588, which has been circled by hand, but not the zillow.com value. The court takes judicial notice that the eppraisal.com information that appears on the screen when one performs an eppraisal.com search is virtually identical to the version the debtors have filed as an exhibit except that it contains a figure beneath the word "zillow.com" - the figure is \$136,960. The court also takes judicial notice that the value of the debtors' property as of April 7, 2014, according to the zillow.com website, is \$136,960. In short, it appears the debtors or their counsel whited out the figure \$136,960 on the version of the eppraisal printout filed with the court, thereby submitting an incomplete copy without so advising the court or the potential respondent.

The problem is made worse by the fact that on the debtors' original schedules in this case, filed December 11, 2013, before the case was converted from chapter 7 to chapter 13, the debtors valued the property at \$131,145. That valuation casts significant doubt on the debtor's present testimony that the value of the property, as of the date of filing, was \$97,000. Given (1) this unexplained change in the debtors' testimony, (2) the fact that they altered a computer printout filed as an exhibit without informing the court, and (3) the fact that at either the debtors' own original value, \$131,145, or the present zillow.com value, \$136,960, there is significant equity in the property to secure the second deed of trust, the court concludes that the debtors have failed to meet the burden of demonstrating they are entitled to the relief requested.

For the reasons stated, the motion will be denied by minute order. No appearance is necessary.

37. 11-26468-D-13 FREDERIC/KRISTY ALBERTONI MOTION TO VALUE COLLATERAL OF  
JDP-1 WELLS FARGO BANK, N.A.  
3-27-14 [59]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Wells Fargo Bank, N.A. at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Wells Fargo Bank, N.A.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

38. 14-21468-D-13 NORMAN/PANDORA BURTON OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
4-4-14 [14]

39. 13-34175-D-13 ENRIQUE/ELDA GONZALEZ MOTION TO CONFIRM PLAN  
HWW-2 3-14-14 [59]

**Final ruling:**

The relief requested in the motion is supported by the record, the trustee having withdrawn his opposition, and no other timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

40. 14-21477-D-13 VIRGIL FAUTH MOTION TO VALUE COLLATERAL OF  
PGM-1 ALLY FINANCIAL, INC.  
3-27-14 [20]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

41. 14-21477-D-13 VIRGIL FAUTH  
SW-1

OBJECTION TO CONFIRMATION OF  
PLAN BY ALLY FINANCIAL, INC.  
3-13-14 [16]

**Final ruling:**

Objection withdrawn by moving party on April 17, 2014. Matter removed from calendar.

42. 09-30578-D-13 EUGENE/FELITA CRUSTO  
JDP-1

MOTION TO VALUE COLLATERAL OF  
ARGENT MORTGAGE COMPANY, LLC  
3-24-14 [80]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Argent Mortgage Company, LLC at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Argent Mortgage Company, LLC's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

43. 13-30483-D-13 GARY/SHARON SPARKS  
RDG-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
3-28-14 [134]

44. 13-35783-D-13 ALDRICH FLORES AND KAREN  
MDL-1 VIGILIA

CONTINUED MOTION TO VALUE  
COLLATERAL OF GREEN TREE  
SERVICING, LLC AND/OR MOTION TO  
VALUE COLLATERAL OF BANK OF  
AMERICA  
1-23-14 [25]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Bank of America at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Bank of America's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

45.	13-35783-D-13	ALDRICH FLORES AND KAREN	CONTINUED MOTION TO AVOID LIEN
	MDL-2	VIGILIA	OF ASSET ACCEPTANCE, LLC
			1-23-14 [31]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Asset Acceptance, LLC at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Asset Acceptance, LLC's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

46.	14-21084-D-13	PACO/CORINA GONZALES	OBJECTION TO CONFIRMATION OF
	BHT-1		PLAN BY DEUTSCHE BANK NATIONAL
			TRUST COMPANY
			3-6-14 [15]

47.	14-21084-D-13	PACO/CORINA GONZALES	OBJECTION TO CONFIRMATION OF
	RDG-1		PLAN BY RUSSELL D. GREER
			3-28-14 [19]

48.	14-21387-D-13	ROSE MARIE BETTENCOURT	MOTION TO VALUE COLLATERAL OF
	JDP-1		BANK OF AMERICA, N.A.
			3-26-14 [24]

**Final ruling:**

This is the debtor's motion to value collateral of Bank of America (the "Bank"). The motion will be denied because the moving party failed to serve the Bank in strict compliance with Fed. R. Bankr. P. 7004(h), as required by Fed. R. Bankr. P. 9014(b). The moving party served the Bank by certified mail to the attention of an officer, but failed to also serve the attorney who had, eight days before the motion was served, filed a request for special notice in this case, thus triggering subdivision (1) of the rule. As a result of this service defect, the court will continue the hearing to May 27, 2014 at 10:00 a.m. to allow the moving party to cure this service defect. No appearance is necessary on April 29, 2014.

49. 14-21387-D-13 ROSE MARIE BETTENCOURT  
JDP-2

MOTION TO VALUE COLLATERAL OF  
BANK OF AMERICA, N.A.  
3-26-14 [28]

**Final ruling:**

This is the debtor's motion to value collateral of Bank of America (the "Bank"). The motion will be denied because the moving party failed to serve the Bank in strict compliance with Fed. R. Bankr. P. 7004(h), as required by Fed. R. Bankr. P. 9014(b). The moving party served the Bank by certified mail to the attention of an officer, but failed to also serve the attorney who had, eight days before the motion was served, filed a request for special notice in this case, thus triggering subdivision (1) of the rule. As a result of this service defect, the court will continue the hearing to May 27, 2014 at 10:00 a.m. to allow the moving party to cure this service defect. No appearance is necessary on April 29, 2014.

50. 14-21387-D-13 ROSE MARIE BETTENCOURT  
JDP-3

MOTION TO VALUE COLLATERAL OF  
BANK OF AMERICA, N.A.  
3-26-14 [32]

**Final ruling:**

This is the debtor's motion to value collateral of Bank of America (the "Bank"). The motion will be denied because the moving party failed to serve the Bank in strict compliance with Fed. R. Bankr. P. 7004(h), as required by Fed. R. Bankr. P. 9014(b). The moving party served the Bank by certified mail to the attention of an officer, but failed to also serve the attorney who had, eight days before the motion was served, filed a request for special notice in this case, thus triggering subdivision (1) of the rule. As a result of this service defect, the court will continue the hearing to May 27, 2014 at 10:00 a.m. to allow the moving party to cure this service defect. No appearance is necessary on April 29, 2014.

51. 14-21387-D-13 ROSE MARIE BETTENCOURT  
JDP-4

MOTION TO VALUE COLLATERAL OF  
BANK OF AMERICA, N.A.  
3-26-14 [36]

**Final ruling:**

This is the debtor's motion to value collateral of Bank of America (the "Bank"). The motion will be denied because the moving party failed to serve the Bank in strict compliance with Fed. R. Bankr. P. 7004(h), as required by Fed. R. Bankr. P. 9014(b). The moving party served the Bank by certified mail to the attention of an officer, but failed to also serve the attorney who had, eight days before the motion was served, filed a request for special notice in this case, thus triggering subdivision (1) of the rule. As a result of this service defect, the court will continue the hearing to May 27, 2014 at 10:00 a.m. to allow the moving party to cure this service defect. No appearance is necessary on April 29, 2014.

52. 13-34293-D-13 WILLIAM BUDREWICZ  
WPB-1

MOTION TO CONFIRM PLAN  
1-21-14 [24]

53. 13-28494-D-13 JESSE/RODELIZA DELEON MOTION TO APPROVE LOAN  
CLH-1 MODIFICATION  
3-19-14 [56]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion to approve loan modification is supported by the record. As such the court will grant the motion to approve loan modification by minute order. No appearance is necessary.

54. 13-28494-D-13 JESSE/RODELIZA DELEON MOTION TO CONFIRM PLAN  
CLH-2 3-19-14 [61]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

55. 14-20996-D-13 FRANCISCO/MARIA PADILLA OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
3-28-14 [21]

56. 09-25199-D-13 GERALD/SUSAN DONAHUE MOTION TO VALUE COLLATERAL OF  
JAD-1 WELLS FARGO BANK, N.A.  
4-1-14 [67]

57.	13-22816-D-13	RICHARD/REBECCA PELOSO	MOTION TO INCUR DEBT
	JAD-2		4-4-14 [29]
58.	14-23424-D-13	CARL JUBB	CONTINUED MOTION TO EXTEND
	SJS-1		AUTOMATIC STAY
			4-9-14 [9]
59.	11-33464-D-13	THEODORE/APRIL GEMMILL	NOTICE OF DEFAULT MOTION TO
			DISMISS CASE FOR FAILURE TO
			MAKE PLAN PAYMENTS
			3-5-14 [53]
60.	14-22273-D-13	JUGJEEV/MINERVA MANGAT	MOTION TO SELL
	AVN-1		4-14-14 [26]

**Final ruling:**

This is the debtors' motion to sell real property in Lodi, California. The motion will be denied because the moving parties failed to serve the IRS at any of its addresses on the Roster of Governmental Agencies, as required by LBR 2002-1(c). The IRS has filed a claim in this case that includes a claim for \$9,584, which the IRS claims is secured by a tax lien on the debtors' property in San Joaquin County, which would include the property proposed to be sold.

As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

61.	14-21385-D-13 RDG-2	JOSE HERNANDEZ	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 4-7-14 [24]
62.	14-21385-D-13 KAZ-1	JOSE HERNANDEZ	OBJECTION TO CONFIRMATION OF PLAN BY PNC BANK, N.A. 4-9-14 [27]
63.	14-21197-D-13 BHT-1	SILVIA QUIROGA	OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK, N.A. 4-4-14 [29]
64.	11-36434-D-13 TBK-3	ISRAEL/SALLY VELAZQUEZ	MOTION TO INCUR DEBT O.S.T. 4-18-14 [64]